

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

PRESIDENTIAL CANDIDATE NUMBER)	
P60005535 et. al.,)	
)	
)	
Plaintiffs,)	Case No. 2:25-cv-04005-MDH
)	
vs.)	
)	
MUSK et. al.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff's *Pro Se* Motion for Leave to Appeal *In Forma Pauperis*. (Doc. 9). Plaintiff has also attached his Application to Proceed Without Prepaying Fees or Costs in support. *Id.* Plaintiff wishes to proceed *in forma pauperis* seeking to appeal his Complaint after the Magistrate Judge's Order denying Plaintiff's *Pro Se* Motion to Proceed *In Forma Pauperis* based on the action being frivolous. (Doc. 2). Plaintiff's underlying Complaint that Defendants are violating multiple federal statutes by "trying to make one trillion dollar[s]' worth of budget reductions[s] in the united States which would affect the lives of poor people of all races and ethnicities in the United States." (Doc. 1-1 at 4-6). The United States Magistrate Judge has provided to this Court a Report and Recommendation on Plaintiff's Motion for Leave to Appeal *In Forma Pauperis*. (Doc. 10).

"Under 28 U.S.C. § 1915, the decision whether to grant or deny *in forma pauperis* status is within the sound discretion of the trial court." *Cross v. Gen. Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). The Court is also required to conduct a review of Plaintiff's complaint to be filed *in forma pauperis*. See 28 U.S.C. § 1915(e)(2) ("Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines

that (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”).

Here, Plaintiffs financial condition and status may well qualify him to proceed *in forma pauperis*. However, before he may proceed the Court must preliminarily consider the allegations of the Complaint under the three-prong test. Plaintiff’s *Pro Se* Complaint alleges violations of the Violations of the Civil Rights Act of 1964, Equal Protection Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution, Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution, Violation of the Privileges and Immunities Clause of Article IV, Section 2, Clause 1, the Right to Privacy, and Freedom to Associate. (Doc. 1-1, pages 4-6).

Even under the most liberal interpretation of Plaintiff’s complaint, however, Plaintiff has failed to make a claim that has an arguable basis in either law or fact. Plaintiff provides no specific facts supporting the basis of the claims against these Defendants and fails to allege an injury that has been caused by the Defendants. Even Plaintiff’s attachments include various pages that seem to have little to no bearing on his initial complaint.

CONCLUSION

Wherefore, it is hereby **ORDERED** that the Report and Recommendations of the United States Magistrate Judge is **ADOPTED** and incorporated herein. (Doc. 10).

The Court finds Plaintiff’s Application to Proceed Without Paying Fees or Costs establishes Plaintiff is unable to pay filing fees and court costs associated with bringing his appeal. However, the Court further finds Plaintiff’s filing should be dismissed as being frivolous. For these reasons, Plaintiff’s *Pro Se* Motion for Leave to Appeal *In Forma Pauperis* is **DENIED**.

IT IS SO ORDERED.

Date: April 3, 2025

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE